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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE TRANSPACIFIC PASSENGER AIR
TRANSPORTATION ANTITRUST
LITIGATION

Case No.: C 07-5634-CRB

MDL No. 1913

This Document Relates to:

ALL ACTIONS

**PLAINTIFF RUFUS BROWNING'S
ADMINISTRATIVE MOTION TO
RELATE CASE**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Rufus Browning, plaintiff in *Rufus Browning v. Air New Zealand, Ltd. et al.*, Case No. 08-cv-01458 MEJ, pending in the Northern District of California, hereby brings this Administrative Motion to Relate Case pursuant to Civil Local Rule 3-12.

A. RELATED CASES

1. *In re Transpacific Air Passenger Transportation Antitrust Litigation*
Master File No. M:08-cv-1913 ("*Transpacific Air*");

2. *Rufus Browning v. Air New Zealand. Ltd., et al.*

Case No. 08-cv-01458 MEJ (“*Browning*”)

B. RELATIONSHIP OF THE CASES

Civil Local Rule 3-12(a) provides that actions are related when:

- (1) The actions concern substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

The cases sought to be related meet both criteria of Rule 3-12. First, *Browning* involves substantially the same parties and events as alleged in *Transpacific Air*. Like *Transpacific Air*, *Browning* is a class action brought on behalf of purchasers of transpacific air passenger transportation services, and it names the same defendants.¹ As in *Transpacific Air*, *Browning* alleges that Defendants, some of the largest airlines in the world, violated federal antitrust laws by conspiring to set the prices of transpacific air passenger travel. Consequently, the cases will involve many common facts relating to the airline industry and many common legal questions relating to class certification and liability under antitrust laws.

Second, given their substantial similarities, duplication will result if the two actions proceed before different judges. Moreover, no prejudice will result from relating the cases. Just three weeks ago all cases in MDL No. 1913 were transferred to this Court, and plaintiffs in MDL No. 1913 have yet to file a consolidated complaint.

C. CONCLUSION

In light of the related nature of the cases identified in this motion, the substantial experience of the Honorable Charles R. Breyer with antitrust class actions against airline

¹ Air New Zealand, Ltd.; All Nippon Airways Co., Ltd.; Cathay Pacific Airways, Ltd.; China Airlines, Ltd.; EVA Airways Corporation; Japan Airlines Corporation; Qantas Airways, Ltd.; Singapore Airlines, Ltd.; and Thai Airways International Public Company, Ltd. are all named defendants in *Transpacific Air*.

1 defendants, and the opportunities for judicial economy, plaintiff Rufus Browning respectfully
2 requests that his case be deemed related to *In re Transpacific Air Passenger Transportation*
3 *Antitrust Litigation*.

4 Respectfully submitted,

5 DATED: March 27, 2008

6 /s/ Susan G. Kupfer

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